

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CALIFORNIA DEPARTMENT OF TRANSPORTATION
AND THE
CALIFORNIA DEPARTMENT OF FISH AND GAME

A. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to establish procedures for endangered and threatened species consultation between the California Department of Transportation, hereinafter referred to as CALTRANS, and the California Department of Fish and Game, hereinafter referred to as DFG. This Memorandum is intended to ensure that State transportation projects are planned, designed, constructed and maintained so that fish and wildlife resources are protected in conformance with the California Environmental Quality Act (CEQA) and the California Endangered Species Act (CESA).

B. IN EFFECTING THIS UNDERSTANDING

1. CALTRANS will:

- a. be the State Lead Agency under CEQA;
- b. be responsible for the overall planning, design and construction of transportation projects;
- c. request input during the preparation of the Initial Study or Draft Environmental Impact Report from the appropriate DFG Regional Office in the evaluation of impacts of the proposed project and project alternatives on endangered and threatened species and in the development of recommended mitigation measures. For the purposes of CESA this stage is called informal consultation;
- d. evaluate practical alternatives that avoid or lessen impacts on endangered and threatened species;
- e. incorporate DFG input received into applicable environmental documents;
- f. prepare a State Endangered Species Biological Assessment whenever a State-listed candidate, threatened or endangered species may be affected by a project. The information listed in the Appendix A of this MOU shall be included in this Assessment;
- g. request formal consultation from the Director of DFG once an alternative has been selected. The Biological

Assessment, environmental document and other relevant documents will be included with the request for consultation;

h. reinitiate consultation at any time project modifications are proposed which affect threatened or endangered species;

2. DFG will:

a. provide timely comments and input, during informal consultation on appropriate methods for evaluating impacts on endangered and threatened species and recommend project modifications and alternatives to avoid impacts to threatened or endangered species;

b. participate in field reviews to reach agreement on the limits of potential project impacts and specific project effects on threatened and endangered species;

c. provide specific input on measures to mitigate and compensate for effects on threatened and endangered species;

d. based on the Biological Assessment and other environmental documents provided by CALTRANS, and other relevant biological information, provide formal determinations pursuant to the CESA when appropriate;

e. provide direct assistance in defining areas for suitable compensation so that mitigation dollars can be spent to maximize the benefit to the species.

C. GENERAL PROVISIONS

1. All coordination and assistance accomplished under this Memorandum will be carried out in full compliance with the objectives, policies and responsibilities of both agencies. Nothing in this Memorandum shall abrogate the responsibilities of either agency as defined by Federal or State law or regulation.

2. It is the intent of CALTRANS and DFG that projects will be planned and constructed to avoid impacts to threatened and endangered species whenever practical. When avoidance is not practical, CALTRANS will, in consultation with DFG, design project features to reduce project-related effects and to provide on-site habitat improvements, in keeping with overall project purposes. If full compensation on-site is not practical, then CALTRANS and DFG will develop suitable off-site mitigation which may include, but not be limited to, compensation in the form of land acquisition and habitat improvement.

3. Where a threatened or endangered species has the potential to be unavoidably affected by several CALTRANS projects, CALTRANS and DFG shall attempt to define a preserve or mitigation area to

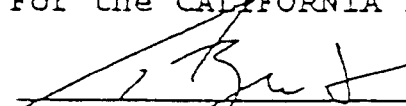
the benefit of the species. Compensation for project related impacts may include the acquisition of land and improvement of habitat, either directly or through an agent. Preservation/compensation areas may be acquired and enhanced in anticipation of projects and subsequently be used to offset project related impacts. Such lands shall be managed and improved to the benefit of the species affected as a result of the project and shall be ultimately transferred to DFG or other public or private entity, acceptable to DFG, that is involved in the preservation of the species. The long-term management of compensation lands for the species must be assured by CALTRANS, through an endowment.

4. Each DFG Regional Office will meet annually with the CALTRANS district offices within their region for the purposes of reviewing future CALTRANS projects and discussing the resolution of potential effects on endangered or threatened species. At these meetings DFG will provide information on efforts to recover endangered and threatened species of concern.

5. Primary contacts for carrying out the provisions of this Memorandum will reside with the CALTRANS District environmental staff and the appropriate DFG regional biologists. Where coordination between CALTRANS and DFG at the field level identify areas of disagreement over potential project effects or appropriate mitigation measures, the CALTRANS District Director will consult with the DFG Regional Manager to seek resolution. If agreement cannot be reached, the issue will be referred to the CALTRANS and DFG Directors for resolution. In accordance with DFG's CESA Guidelines, the Biological Opinion or other formal written finding will be signed by the DFG Director.

6. This Memorandum of Understanding will become effective when approved by the CALTRANS Director and the DFG Director and shall continue in force and effect until terminated by either party. This Memorandum may be amended by mutual consent of the signatory parties.

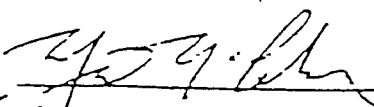
For the CALIFORNIA DEPARTMENT OF TRANSPORTATION



Director
Sacramento, California

12/18/90
Date

For the CALIFORNIA DEPARTMENT OF FISH AND GAME



Director
Sacramento, California

12/17/90
Date

Information Required to Determine Whether A Proposed Project
Could Jeopardize Endangered And Threatened
Species

3000. The Department of Fish and Game needs detailed information in order to fully and accurately the effects of a proposed project on endangered and threatened species. Although there is no required format, the following data must be clearly presented:
- 3000.1. A full description of the project area and project impact area, including maps.
 - 3000.2. Known and potential distribution of endangered and threatened species in the project area and project impact area, based on recent field surveys (See Appendix III for survey guidelines).
 - 3000.3. Additional information on species distribution and habitat, based upon literature, and scientific data review, and discussions with experts.
 - 3000.4. Analysis of possible effects of the proposed project on listed species, including cumulative effects.
 - 3000.5. Analysis of alternatives designed to reduce or eliminate impacts to endangered and threatened species.
3010. To resolve potential conflicts as early as possible, state agencies are strongly encouraged to provide the above information to DFG during the Initial Study/Preliminary Review (or comparable) stage.